



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

**VIA FIRST CLASS MAIL**

JUL 8 2005

Steve Wark  
Image & Design  
7473 Lake Mead Boulevard  
Suite 100  
Las Vegas, Nevada 89128

RE: MUR 5581  
Steve Wark

Dear Mr. Wark:

On June 23, 2005, the Federal Election Commission found that there is reason to believe you violated 2 U.S.C. §§ 441a and 441b, provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). These findings were based on information ascertained by the Commission in the normal course of carrying out its supervisory responsibilities. *See* 2 U.S.C. § 437g(a)(2). The Factual and Legal Analysis, which more fully explains the Commission's findings, is attached for your information.

You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office within 15 days of your receipt of this letter. Where appropriate, statements should be submitted under oath. In the absence of additional information, the Commission may find probable cause to believe that a violation has occurred

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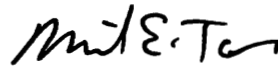
Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A), unless you notify the Commission in writing that you wish the investigation to be made public.

For your information, we have enclosed a brief description of the Commission's procedures for handling possible violations of the Act. If you have any questions, please contact Beth Mizuno, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,



Michael E. Toner  
Vice Chairman

Enclosures  
Factual and Legal Analysis  
Procedures  
Designation of Counsel Form

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**FEDERAL ELECTION COMMISSION  
FACTUAL AND LEGAL ANALYSIS**

**RESPONDENT:** Steve Wark

**MUR:** 5581

**I. INTRODUCTION**

This matter was generated by the Federal Election Commission ("Commission") pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities indicating that Steve Wark may have violated 2 U.S.C. §§ 441a(a)(1)(A) and 441b(a) by making excessive or prohibited contributions to Nader for President 2004 (the "Nader Committee") in connection with a petition drive to place Ralph Nader on the Arizona ballot during the 2004 Presidential election.

**II. FACTUAL AND LEGAL ANALYSIS**

**A. FACTS**

The Commission has obtained information that Steve Wark ("Wark"), a Republican political consultant, reportedly undertook efforts to put Ralph Nader on the Arizona ballot.

According to a report in the Tampa Tribune:

In Arizona, GOP consultant Steve Wark formed a political committee to raise money to help Nader qualify. A Republican activist working with the committee asked supporters to "join me in this gallant effort to give our President the best chance possible of winning," and when Wark was asked whether he thought it would help Bush, he told The Associated Press: "I would hope so, I didn't do it for my own health."

William March, *One Third of Nader Donors Support GOP*, the Tampa Tribune, July 15, 2004. Various articles recount Wark's "I didn't do it for my health" statement in the

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context of his efforts to get Nader on the Nevada ballot.<sup>1</sup> Thus, the Tampa Tribune article quoted above may have conflated Arizona with Nevada.<sup>2</sup> Nevertheless, according to one newspaper, Wark “told the paper he raised \$30,000 to pay for the Nader signatures,” and that “the money he raised went to a nonprofit group called Choices for America, which then passed it on to JSM.” Editorial, *Nader Paid Raiders Overstep*, Charleston Gazette, July 20, 2004. JSM is the Nader Committee’s own contractor, hired to conduct its petition-gathering in Arizona.

## B. ANALYSIS

If Steve Wark raised funds and passed them on to Choices for America so that it could, in turn, pass the funds on to JSM, Wark may have violated the Act by making either excessive or prohibited contributions to the Nader Committee, depending on the original source of the funds. 2 U.S.C. §§ 441b(a) and 441a(a)(1)(A).

Therefore, there is reason to believe that Steve Wark violated 2 U.S.C. §§ 441b(a) and 441a(a)(1)(A).

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<sup>1</sup> See e.g. Erin Neff, *Wark Raised Money for Petition Drive*, Las Vegas Review Journal, July 12, 2004; see also, *Republican Behind Nader's Nevada Ballot Drive*, Fox News Channel, [http://www.foxnews.com/prINTER\\_friendly\\_story/0,3566,125423,00.html](http://www.foxnews.com/prINTER_friendly_story/0,3566,125423,00.html) (last accessed November 18, 2004), and David W. Jones, *Continued Bush Assistance to Nader's Struggling Campaign*, TheNaderFactor.com, <http://www.thenaderfactor.com/press/072304/> (last accessed November 18, 2004). In an electronic mail solicitation, Wark reportedly asked that money to support his signature gathering efforts be sent to his home in Las Vegas. Neff, *supra*. Publicly available records confirm that Mr. Wark maintains a residence in Nevada; they show no person with his name with a residence in Arizona.

<sup>2</sup> Wark is the former executive director of the Nevada Republican Party. Editorial, *Nader Paid Raiders Overstep*, Charleston Gazette, July 20, 2004.

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